

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	}	8:04CR54
)	
Plaintiff,	}	
vs	}	
	}	APPLICATION FOR ARREST
	}	AND DETENTION OF A
	}	MATERIAL WITNESS
INGREAT NORRIS SWIFT	}	PURSUANT TO 18 U.S.C. § 3144
	}	
Defendant.	}	

COMES NOW the Plaintiff, United States of America by and through the undersigned Special Assistant United States Attorney, and moves pursuant to Title 18, United States Code, Section 3144, for the arrest and detention of Meneva (Ruth) Edelman, whose testimony is material in this criminal proceeding.

This application is based on the information in the attached affidavit of Omaha Police Department Investigator Bruce Ferrell, which shows that the person named above possesses testimony which is material to this case and that it may become impractical to secure the presence of this witness by subpoena.

UNITED STATE OF AMERICA, Plaintiff

MICHAEL G. HEAVICAN
United States Attorney

JOHN E. HIGGINS (#19546)
Special Assistant United States Attorney
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AFFIDAVIT

Bruce Ferrell, being of lawful age and duly sworn, deposes and states:


1. I am an Investigator with the Omaha Police Department (hereinafter "OPD"), Omaha, Nebraska. I am duly appointed according to law, and at the time of the events herein was acting in my official capacity.
2. In preparation for this case, I have consulted with OPD Investigator Kevin Donlan, Omaha, Nebraska.
3. The testimony of Meneva (Ruth) Edelman is material in a criminal proceeding filed in the United States District Court, District of Nebraska, entitled United States of America v. INGREAT NORRIS SWIFT, Case Number 8:04CR54. In that case, the defendant is charged with possessing a firearm on or about December 28, 2002, after previously having been convicted of a felony, a violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). Trial is scheduled to begin on October 31, 2005 before Chief Judge Joseph Bataillon.
4. The following information sets forth facts demonstrating that the testimony of Maneva (Ruth) Edelman is material to the disposition of pending charges against INGREAT NORRIS SWIFT.
5. On October 30, 2005, I spoke with Meneva (Ruth) Edelman over the telephone. Ms. Edelman indicated she had been with INGREAT NORRIS SWIFT on December 28, 2002. On that day, INGREAT NORRIS SWIFT had a dark colored bag in which she believed there was a handgun. Approximately one week before, she saw INGREAT NORRIS SWIFT with a dark colored bag, a handgun and bullets. On December 28, 2002, she saw INGREAT NORRIS SWIFT get into a vehicle with another person. From police reports, I am aware that INGREAT NORRIS SWIFT and Kenneth Moten were the occupants of a vehicle stopped by OPD officers on December 28, 2002. Officers recovered from the vehicle a revolver, ammunition and a dark colored bag.
6. Inv. Donlan reported to me that during the telephone conversation on October 28, 2005, Ms. Edelman inquired if she would receive a subpoena. She indicated that if she did receive a subpoena she would not come to court, but would instead hide or remove herself from the area so she could not be located.

7. It would be impracticable to secure the presence of Meneva (Ruth) Edelman by subpoena if one were served upon her.
8. Based upon the above, I believe that the testimony of Meneva (Ruth) Edelman is material in the proceedings against INGREAT NORRIS SWIFT.

FURTHER AFFIANT SAITH NAUGHT.


Investigator Bruce Ferrell
Omaha Police Department

SUBSCRIBED AND SWORN TO BEFORE ME THIS 31st DAY OF
OCTOBER, 2005.


F. A. GOSSETT
United States Magistrate Judge